

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

COALITION FOR TJ,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil No. 1:21-cv-00296-CMH-JFA
	)	
FAIRFAX COUNTY SCHOOL BOARD,	)	
	)	
Defendant.	)	

**DEFENDANT’S OBJECTIONS TO PLAINTIFF’S AMENDED TRIAL EXHIBIT LIST**

Defendant Fairfax County School Board, by counsel and pursuant to the scheduling order, ECF No. 54, objects as follows to Plaintiff’s proposed trial exhibits, as amended:

1. Defendant objects to any exhibit that is offered without first laying a proper foundation through an appropriate witness.

2. Defendant cannot determine from the basis of Plaintiff’s Amended Exhibit List whether certain exhibits are offered for the truth of the matter asserted or for some non-hearsay purpose. Defendant objects to any out of court statement that is offered for the truth of the matter asserted absent an exception to the hearsay rule.

3. Plaintiff has ignored the requirements of Fed. R. Civ. P. 26(a)(3)(A)(iii), in that it has failed to identify those exhibits that it intends to introduce at trial, and those that it may introduce at trial if the need arises.

4. Defendant objects to Plaintiff’s identification of full deposition transcripts as trial exhibits, as in contravention of Federal Rule 26(a)(3)(A) which requires Plaintiff to designate the testimony that Plaintiff intends to offer via deposition, and Federal of Civil Procedure 32 which prescribes the circumstances under which deposition testimony may be used at trial.

5. In addition to the foregoing objections, Defendant objects to each of Plaintiff's trial exhibits as follows:

EX. No.	DATE	BEGIN BATES	END BATES	DESCRIPTION	OBJECTION <sup>1</sup>						
					I	A	NP	H	FRE 403	O	N
TJ001	12/17/2020	FCSB-TJ00002881	FCSB-TJ00002890								X
TJ002	12/7/2020	FCSB-TJ00003694	FCSB-TJ00003697								X
TJ003	12/7/2020	FCSB-TJ00003455	FCSB-TJ00003458								
TJ004	10/6/2020	NONE	NONE	10/6/2020 Work Session Minutes							X
TJ005	10/8/2020	NONE	NONE	10/8/2020 Regular Meeting Minutes							X
TJ006	10/6/2020	FCSB-TJ00000064	FCSB-TJ00000064								X
TJ007	9/15/2020	NONE	NONE								X
TJ008	6/26/2020	FCSB-TJ00008563	FCSB-TJ00008582						X	Best evidence rule	
TJ009	6/24/2020	FCSB-TJ000008677	FCSB-TJ000008689		X				X	Best evidence rule	
TJ010	11/17/2020	NONE	NONE	11/17/2020 Slideshow Presentation							X
TJ011	9/15/2020	NONE	NONE	9/15/2020 Slideshow Presentation							X

<sup>1</sup> I = incomplete document; A = authenticity not established; NP = not produced or otherwise disclosed in discovery; FRE 403= not relevant or inadmissible under Federal Rule of Evidence 403; H= hearsay; O = other; N = none.

Ex. No.	DATE	BEGIN BATES	END BATES	DESCRIPTION	OBJECTION <sup>1</sup>						
					I	A	NP	H	FRE 403	O	N
TJ012	10/6/2020	FCSB-TJ00002988	FCSB-TJ00002995								X
TJ013	1/15/2021	FCSB-TJ00016416	FCSB-TJ00016419		X			X	X	No foundation, FRE 701	
TJ014	2/3/2021	FCSB-TJ00007160	FCSB-TJ00007162					X			
TJ015	2/22/2021	FCSB-TJ00004266	FCSB-TJ00004267					X	X		
TJ016	12/22/2020	FCSB-TJ00007088	FCSB-TJ00007091					X	X	No foundation; FRE 701	
TJ017	12/16/2020	FCSB-TJ00001189	FCSB-TJ00001190					X			
TJ018	8/17/2020	FCSB-TJ00020905	FCSB-TJ00020905					X			
TJ019	6/12/2020	FCSB-TJ00002181	FCSB-TJ00002183					X	X		
TJ020	10/6/2020	FCSB-TJ00021813	FCSB-TJ00021814					X	X		
TJ021	10/8/2020	FCSB-TJ00002317	FCSB-TJ00002318					X			
TJ022	12/10/2020	FCSB-TJ00000262	FCSB-TJ00000265					X			
TJ023	10/6/2020	FCSB-TJ00000415	FCSB-TJ00000416					X			
TJ024	10/6/2020	FCSB-TJ00000417	FCSB-TJ00000418					X			
TJ025	9/19/2020	FCSB-TJ00000489	FCSB-TJ00000496					X			
TJ026	10/6/2020	FCSB-TJ00000498	FCSB-TJ00000500					X			
TJ027	12/6/2020	FCSB-TJ00000737	FCSB-TJ00000738								X
TJ028	12/17/2020	FCSB-TJ00000739	FCSB-TJ00000740								X
TJ029	8/14/2020	FCSB-TJ00007331	FCSB-TJ00007332								X

Ex. No.	Date	Begin Bates	End Bates	Description	OBJECTION <sup>1</sup>						
					I	A	NP	H	FRE 403	O	N
TJ030	11/16/2020	FCSB-TJ000024218	FCSB-TJ000024219								X
TJ031	12/14/2020	FCSB-TJ00014292	FCSB-TJ00014292					X			
TJ032	9/23/2020	FCSB-TJ00000799	FCSB-TJ00000799					X			
TJ033	12/16/2020	FCSB-TJ000024603	FCSB-TJ000024603					X			
TJ034	12/18/2020	FCSB-TJ00024675	FCSB-TJ00024675					X	X		
TJ035	10/10/2020	FCSB-TJ00016403	FCSB-TJ00016403					X			
TJ036	10/2/2020	FCSB-TJ00001946	FCSB-TJ00001947					X			
TJ037	12/18/2020	FCSB-TJ00024764	FCSB-TJ00024764					X			
TJ038	11/16/2020	FCSB-TJ00003056	FCSB-TJ00003056								X
TJ039	11/2/2020	FCSB-TJ00004250	FCSB-TJ00004250					X	X		
TJ040	10/30/2020	FCSB-TJ00020985	FCSB-TJ00020986					X			
TJ041	9/17/2020	FCSB-TJ00009369	FCSB-TJ00009370					X		No foundation	
TJ042	9/18/2020	FCSB-TJ00007149	FCSB-TJ00007149					X		No foundation	
TJ043	NONE	FCSB-TJ00007876	FCSB-TJ00007884					X	X		
TJ044	10/4/2020	FCSB-TJ00000309	FCSB-TJ00000309					X			
TJ045	10/6/2020	FCSB-TJ00000311	FCSB-TJ00000311					X			
TJ046	10/21/2020	FCSB-TJ00003629	FCSB-TJ00003640					X	X		

Ex. No.	Date	Begin Bates	End Bates	Description	OBJECTION <sup>1</sup>						
					I	A	NP	H	FRE 403	O	N
TJ047	12/7/2020	FCSB- TJ000024087	FCSB- TJ000024088								X
TJ048	9/24/2020	FCSB- TJ00001026	FCSB- TJ00001034					X	X		
TJ049	10/5/2020	FCSB- TJ000010449	FCSB- TJ000010450					X			
TJ050	6/8/2020	FCSB- TJ000010451	FCSB- TJ000010452					X			
TJ051	6/17/2020	FCSB- TJ000010720	FCSB- TJ000010721					X			
TJ052	12/7/2020	FCSB- TJ00001095	FCSB- TJ00001096					X	X		
TJ053	12/14/2020	FCSB- TJ00001734	FCSB- TJ00001735								X
TJ054	12/14/2020	FCSB- TJ000000502	FCSB- TJ000000503					X			
TJ055	Spring 2020	FCSB- TJ00008507	FCSB- TJ00008518					X	X	FRE 701	
TJ056	9/8/2020	FCSB- TJ00018515	FCSB- TJ00018516					X	X	No foundation; Legal opinions; FRE 701	
TJ057	6/12/2020	FCSB- TJ00015078	FCSB- TJ00015080					X	X		
TJ058	9/24/2020	FCSB- TJ00008374	FCSB- TJ00008376					X	X		
TJ059	10/5/2020	FCSB- TJ00016052	FCSB- TJ00016052					X	X	No foundation	
TJ060	9/23/2020	FCSB- TJ00001827	FCSB- TJ00001827					X	X	No foundation	
TJ061	10/9/2020	FCSB- TJ00016093	FCSB- TJ00016095					X	X	No foundation	
TJ062	12/16/2020	FCSB- TJ00024667	FCSB- TJ00024667					X	X	No foundation; Legal conclusions; FRE 701	
TJ063	6/18/2020	FCSB- TJ00004147	FCSB- TJ00004148					X	X		

EX. NO.	DATE	BEGIN BATES	END BATES	DESCRIPTION	OBJECTION <sup>1</sup>						
					I	A	NP	H	FRE 403	O	N
TJ064	6/15/2020	FCSB-TJ00009220	FCSB-TJ00009221					X			
TJ065	8/6/2020	FCSB-TJ00008361	FCSB-TJ00008364					X			
TJ066	10/7/2020	FCSB-TJ00000419	FCSB-TJ00000419					X			
TJ067	12/7/2020	FCSB-TJ00009014	FCSB-TJ00009015								X
TJ068	12/18/2020	FCSB-TJ000013294	FCSB-TJ000013294					X	X		
TJ069	9/23/2020	FCSB-TJ00001827	FCSB-TJ00001827					X	X	No foundation	
TJ070	NONE	FCSB-TJ00000785	FCSB-TJ00000786						X	No foundation	
TJ071	10/7/2020	FCSB-TJ00021551	FCSB-TJ00021552					X	X	FRE 701	
TJ072	9/22/2020	FCSB-TJ00004312	FCSB-TJ00004312					X			
TJ073	9/29/2020	FCSB-TJ00002714	FCSB-TJ00002714					X	X		
TJ074	8/25/2020	FCSB-TJ00007802	FCSB-TJ00007806						X	No foundation	
TJ075	8/10/2020	FCSB-TJ00025440	FCSB-TJ00025440						X		
TJ076	10/9/2020	FCSB-TJ00001715	FCSB-TJ00001715					X	X		
TJ077	10/7/2020	FCSB-TJ00007807	FCSB-TJ00007807						X		
TJ078	6/22/2020	FCSB-TJ00009187	FCSB-TJ00009188						X		
TJ079	9/15/2020	FCSB-TJ00003419	FCSB-TJ00003427					X	X	No foundation; Best evidence rule	

Ex. No.	Date	Begin Bates	End Bates	Description	Objection <sup>1</sup>						
					I	A	NP	H	FRE 403	O	N
TJ080	9/15/2020	FCSB-TJ00001194	FCSB-TJ00001195					X			
TJ081	9/15/2020	FCSB-TJ00002309	FCSB-TJ00002315					X			
TJ082	10/2/2020	FCSB-TJ00000846	FCSB-TJ00000849					X	X		
TJ083	6/8/2020	FCSB-TJ00007863	FCSB-TJ00007864					X		No foundation	
TJ084	10/9/2020	FCSB-TJ00007844	FCSB-TJ00007848					X			
TJ085	10/5/2020	FCSB-TJ00021746	FCSB-TJ00021749					X	X		
TJ086	12/21/2020	FCSB-TJ00021792	FCSB-TJ00021794					X	X		
TJ087	NONE	FCSB-TJ00021441	FCSB-TJ00021441		X					Best evidence rule	
TJ088	8/12/2020	FCSB-TJ00007333	FCSB-TJ00007334					X			
TJ089	NONE	FCSB-TJ00008366	FCSB-TJ00008366								X
TJ090	NONE	FCSB-TJ00007860	FCSB-TJ00007860								X
TJ091	12/17/2020	FCSB-TJ00008367	FCSB-TJ00008368								X
TJ092	11/13/2020	FCSB-TJ00020994	FCSB-TJ00020996					X	X		
TJ093	2020-2021	NONE	NONE								X
TJ094	NONE	NONE	NONE					X		No foundation, FRE 701; Impermissible expert opinion	
TJ095	NONE	FCSB-TJ00025854	FCSB-TJ00025854								X
TJ096	NONE	FCSB-TJ00025855	FCSB-TJ00025855								X

Ex. No.	DATE	BEGIN BATES	END BATES	DESCRIPTION	OBJECTION <sup>1</sup>						
					I	A	NP	H	FRE 403	O	N
TJ097	NONE	FCSB- TJ00025851	FCSB- TJ00025851								X
TJ098	NONE	FCSB- TJ00021186	FCSB- TJ00021188					X	X	No foundation	
TJ099	10/4/2020	FCSB- TJ000021746	FCSB- TJ000021749					X	X		
TJ100	1/29/2021	FCSB- TJ00000306	FCSB- TJ00000306								X
TJ101	NONE	FCSB- TJ00021442	FCSB- TJ00021442		X					Best evidence rule	
TJ102	NONE	FCSB- TJ00007365	FCSB- TJ00007396						X	No foundation	
TJ103	NONE	FCSB- TJ00008001	FCSB- TJ00008001						X	No foundation	
TJ104	NONE	FCSB- TJ00003936	FCSB- TJ00003936						X	No foundation; Best evidence rule	
TJ105	2/3/2021	FCSB- TJ00007160	FCSB- TJ00007162					X	X		
TJ106	11/3/2020	FCSB- TJ00004258	FCSB- TJ00004259					X	X		
TJ107	NONE	FCSB- TJ00003927	FCSB- TJ00003932					X	X	No foundation; Best evidence rule	
TJ108	NONE	FCSB- TJ00007860	FCSB- TJ00007860						X		
TJ109	10/20/2020	FCSB- TJ00007861	FCSB- TJ00007862						X		
TJ110	6/8/2020	FCSB- TJ00007863	FCSB- TJ00007864					X		No foundation	
TJ111	9/18/2020	FCSB- TJ00007147	FCSB- TJ00007148					X		No foundation	
TJ112	8/13/2020	FCSB- TJ00007335	FCSB- TJ00007338					X	X		
TJ113	9/18/2020	FCSB- TJ00007149	FCSB- TJ00007149					X		No foundation	



Ex. No.	Date	Begin Bates	End Bates	Description	OBJECTION <sup>1</sup>						
					I	A	NP	H	FRE 403	O	N
TJ114	9/29/2020	FCSB- TJ000021437	FCSB- TJ000021448								X
TJ115	9/27/2020	FCSB- TJ000021736	FCSB- TJ000021740					X	X		
TJ116	9/28/2020	FCSB- TJ000021741	FCSB- TJ000021742					X	X		
TJ117	NONE	FCSB- TJ000021821	FCSB- TJ000021821								X
TJ118	NONE	FCSB- TJ000025366	FCSB- TJ000025366		X			X	X		
TJ119	NONE	FCSB- TJ000025378	FCSB- TJ000025378		X			X	X		
TJ120	NONE	FCSB- TJ000025488	FCSB- TJ000025488		X			X	X		
TJ121	NONE	FCSB- TJ000025490	FCSB- TJ000025490		X			X	X		
TJ122	NONE	FCSB- TJ000025493	FCSB- TJ000025493		X			X	X		
TJ123	NONE	FCSB- TJ000025653	FCSB- TJ000025653		X			X	X		
TJ124	NONE	FCSB- TJ000025654	FCSB- TJ000025654		X			X	X		
TJ125	NONE	FCSB- TJ000025675	FCSB- TJ000025675		X			X	X		
TJ126	9/23/2020	FCSB- TJ000025683	FCSB- TJ000025683		X			X	X		
TJ127	NONE	FCSB- TJ000025756	FCSB- TJ000025756		X			X	X		
TJ128	NONE	FCSB- TJ000025757	FCSB- TJ000025757		X			X	X		
TJ129	NONE	FCSB- TJ000025762	FCSB- TJ000025762		X			X	X		
TJ130	NONE	FCSB- TJ000025764	FCSB- TJ000025768		X			X	X		

Ex. No.	DATE	BEGIN BATES	END BATES	DESCRIPTION	OBJECTION <sup>1</sup>						
					I	A	NP	H	FRE 403	O	N
TJ131	NONE	FCSB-TJ000025770	FCSB-TJ000025770		X			X	X		
TJ132	NONE	FCSB-TJ00002577	FCSB-TJ00002572		X			X	X		
TJ133	NONE	FCSB-TJ000025774	FCSB-TJ000025774		X			X	X		
TJ134	NONE	FCSB-TJ000025778	FCSB-TJ000025778		X			X	X		
TJ135	NONE	FCSB-TJ000025779	FCSB-TJ000025779		X			X	X		
TJ136	NONE	FCSB-TJ000025973	FCSB-TJ000025973		X			X	X		
TJ137	12/9/2020	FCSB-TJ000026140	FCSB-TJ000026140		X			X	X		
TJ138	NONE	FCSB-TJ000026277	FCSB-TJ000026277		X			X	X		
TJ139	NONE	FCSB-TJ000026278	FCSB-TJ000026278		X			X	X		
TJ140	NONE	FCSB-TJ000026280	FCSB-TJ000026301		X			X	X		
TJ141	NONE	FCSB-TJ000026318	FCSB-TJ000026318		X			X	X		
TJ142	NONE	FCSB-TJ000026323	FCSB-TJ000026323		X			X	X		
TJ143	NONE	FCSB-TJ000026325	FCSB-TJ000026325		X			X	X		
TJ144	NONE	FCSB-TJ000026333	FCSB-TJ000026333		X			X	X		
TJ145	NONE	FCSB-TJ000026334	FCSB-TJ000026334		X			X	X		
TJ146	NONE	FCSB-TJ000026337	FCSB-TJ000026337		X			X	X		
TJ147	NONE	FCSB-TJ000026340	FCSB-TJ000026340		X			X	X		

EX. NO.	DATE	BEGIN BATES	END BATES	DESCRIPTION	OBJECTION <sup>1</sup>						
					I	A	NP	H	FRE 403	O	N
TJ148	NONE	FCSB-TJ000026343	FCSB-TJ000026343		X			X	X		
TJ149	NONE	FCSB-TJ000026360	FCSB-TJ000026360		X			X	X		
TJ150	NONE	FCSB-TJ000026373	FCSB-TJ000026373		X			X	X		
TJ151	NONE	FCSB-TJ000026374	FCSB-TJ000026374		X			X	X		
TJ152	NONE	FCSB-TJ000026402	FCSB-TJ000026402		X			X	X		
TJ153	NONE	FCSB-TJ000026403	FCSB-TJ000026403		X			X	X		
TJ154	NONE	FCSB-TJ000026411	FCSB-TJ000026411		X			X	X		
TJ155	NONE	FCSB-TJ000026460	FCSB-TJ000026460		X			X	X		
TJ156	NONE	FCSB-TJ000026463	FCSB-TJ000026463		X			X	X		
TJ157	NONE	FCSB-TJ000026500	FCSB-TJ000026500		X			X	X		
TJ158	NONE	FCSB-TJ000026520	FCSB-TJ000026520		X			X	X		
TJ159	NONE	FCSB-TJ000026522	FCSB-TJ000026522		X			X	X		
TJ160	NONE	FCSB-TJ000026533	FCSB-TJ000026533		X			X	X		
TJ161	NONE	FCSB-TJ000026534	FCSB-TJ000026534		X			X	X		
TJ162	NONE	FCSB-TJ000026538	FCSB-TJ000026538		X			X	X		
TJ163	NONE	FCSB-TJ000026542	FCSB-TJ000026542		X			X	X		
TJ164	NONE	FCSB-TJ000026554	FCSB-TJ000026554		X			X	X		

Ex. No.	DATE	BEGIN BATES	END BATES	DESCRIPTION	OBJECTION <sup>1</sup>						
					I	A	NP	H	FRE 403	O	N
TJ165	NONE	FCSB- TJ000026616	FCSB- TJ000026618					X			
TJ166	NONE	FCSB- TJ000026620	FCSB- TJ000026621					X	X		
TJ167	4/28/2021	NONE	NONE	Regulation 3355.14							X
TJ168	2/4/2021	FCSB- TJ00000466	FCSB- TJ00000467					X	X		
TJ169	12/2/2020	FCSB- TJ00001477	FCSB- TJ00001479					X	X		
TJ170	2/4/2021	FCSB- TJ00008504	FCSB- TJ00008505					X	X		
TJ171	7/24/2020	FCSB- TJ00007871	FCSB- TJ00007874			X		X	X	No foundation	
TJ172	8/7/2020	FCSB- TJ000025433	FCSB- TJ000025437			X		X	X	No foundation	
TJ173	Feb-06	NONE	NONE	2006 FCPS Response to Blue Ribbon Report		X	X	X	X	No foundation	
TJ174	2010	NONE	NONE	2010 TJ Admissions Slideshow Presentation		X	X	X	X	No foundation	
TJ175	7/19/2012	NONE	NONE	7/19/2012 TJ Admissions Slideshow Presentation		X	X	X	X	No foundation	
TJ176	9/27/2020	FCSB- TJ00020987	FCSB- TJ00020993					X	X		
TJ177	10/6/2020	FCSB- TJ00021212	FCSB- TJ00021214								X
TJ178	6/15/2020	FCSB- TJ00021459	FCSB- TJ00021471								X
TJ179	Nov. 2020	NONE	NONE	Nov. 2020 White Paper							X
TJ180	NONE	FCSB- TJ000021532	FCSB- TJ000021533						X		

Ex. No.	Date	Begin Bates	End Bates	Description	OBJECTION <sup>1</sup>						
					I	A	NP	H	FRE 403	O	N
TJ181	NONE	FCSB- TJ000025449	FCSB- TJ000025451								X
TJ182	NONE	FCSB- TJ000025624	FCSB- TJ000025625						X		
TJ183	11/31/2020	PLF01324	PLF01324					X	X		
TJ184	NONE	PLF04802	PLF04803					X			
TJ185	NONE	PLF04804	PLF04829					X	X		
TJ186	11/11/2021			Transcript of deposition of Scott Brabrand exhibits				X		FRCP 32; FRCP 26(a)(3); Exhibits separately objected to above	
TJ187	11/14/2021			Transcript of deposition of Jeremy Shughart exhibits				X		FRCP 32; FRCP 26(a)(3); Exhibits separately objected to above	
TJ188	11/14/2021			Transcript of deposition of Ann Bonitatibus exhibits				X		FRCP 32; FRCP 26(a)(3); Exhibits separately objected to above	
TJ189	11/18/2021			Transcript of deposition of the Coalition for TJ exhibits				X		FRCP 32; FRCP 26(a)(3); Exhibits separately objected to above	
TJ190	08/09/2021			Defendant's Objections and Responses to Plaintiff's First Set of Interrogatories					X	FRCP 33	

Ex. No.	Date	Begin Bates	End Bates	Description	OBJECTION <sup>1</sup>						
					I	A	NP	H	FRE 403	O	N
TJ191	08/09/2021			Defendant's Objections and Answers to Plaintiff's First Set of Requests for Production of Documents				X	X	FRCP 34	
TJ192	10/06/2020			10/6/2020 Slideshow Presentation							X
TJ193				School Board 30(b)(6) Depo. and Exhibits						FRCP 32 FRCP 26(a)(3) Exhibits separately objected to above	

Respectfully submitted,

FAIRFAX COUNTY SCHOOL BOARD

By: \_\_\_\_\_/s/

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 29<sup>th</sup> day of November, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to counsel of record for all Parties.

\_\_\_\_\_/s/  
Sona Rewari (VSB No. 47327)